

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**THEDA C. SCALES,**

Plaintiff,

vs.

**JUDGE RYAN RUMSEY, JEANNE  
DOWDLE RASCO, SHELLEY  
BARNHART, ANDY CARDEN,  
NICOLE PARKER, JOHN ELSTON,  
AARON THOMAS, TONY HAMLIN,  
VAN WILKINS, WILL LAWRENCE,  
DON HICKMAN, and BEVERLY  
HICKMAN,**

Defendants.

Civil Action Number  
**1:10-cv-03485-RBP**


**MEMORANDUM OPINION**

Plaintiff initiated this action by filing a *pro se* complaint and request to proceed *in forma pauperis*. (Docs. 1 and 2). In the Complaint, the plaintiff alleged that she was prevented from receiving custody of her grandchildren in a proceeding before the Circuit Court of Talladega County, and, by way of relief, she requested that her “grandparents rights be granted & restored,” that the “judges and attorneys be prosecuted for professional misconduct,” and that she be awarded compensatory damages for pain and suffering for the time she has been separated from her grandchildren. (*Id.* at 3). After the magistrate judge assigned to this case afforded plaintiff the opportunity to amend the Complaint, that judge entered a Report and Recommendation on July 12, 2011, finding the action frivolous, the request to proceed *in forma pauperis* due to be denied, and the action due to be dismissed. (Doc. 7). Thereafter, plaintiff filed a “Motion to an Order of Reassignment to: Honorably Judge John E. Ott, United Magistrate Judge,” (doc. 9),

which the undersigned referred to the magistrate judge for review. The magistrate judge construed the motion as a motion for reconsideration of its July 12, 2011, Report and Recommendation and subsequently issued a August 10, 2011, Report and Recommendation finding that “[n]othing in the new pleading warrants disturbing the prior determinations.” (Doc. 10). No objections to the August 10, 2011, Report and Recommendation have been filed.

The court has considered the entire file in this action together with the magistrate judge’s Reports and Recommendations and has reached an independent conclusion that the magistrate judge’s Reports and Recommendations are due to be adopted and approved. Accordingly, the court hereby **ADOPTS** and **APPROVES** the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, plaintiff’s request to proceed *in forma pauperis* is due to be denied, and, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), this action is due to be dismissed without prejudice for failure to state a claim on which relief may be granted. An appropriate order will be entered.

**DONE** and **ORDERED** this the 13<sup>th</sup> day of September, 2011.

  
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**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**